

Saturday, May 8, 1731.

To CALEB D'ANVERS, Esq;

S I R.

I AM an Attorney's Clerk; I have long been your Admirer, and now desire to be your Correspondent. I have talked in your Favour till my Lungs began to fail me, as most of the Politicians at George's can bear witness; and I intend to write your Praises, while there is a grey Goose-Quill left that will bear a Nib; provided always that you answer the Character I have formed of you, and resolve me the following Point of Law, which has been lately started at our Club, and puzzles us all like the Devil. This, Sir, is a small Trouble in your Way of Profession and mine; which, I am sure, you are capable of going through, because you have solved ten Thousand more knotty Points, and in Things farther removed from the Comprehension of ordinary Benchers. But if you are not at Leisure, it is only sending the Case to *Ludgate Hill*, to a most eminent Lawyer, who is your good Ally, and he'll settle it in an Instant: But indeed if it should puzzle you both, I despair of ever seeing it solved.

The Case of *HARRY GAMBOL*.

This Gentleman having committed divers Treasons, and other enormous Crimes, stood attainted thereof, till upon his humble Submission and Promise of good Behaviour for the future, he was pardon'd by his late Majesty. Since his Pardon he has again flown out, and been guilty of great Disturbances and Breaches of the Peace; the Question is, Whether he has not thereby forfeited his Pardon? And whether he may not legally be hanged upon the former Judgment?

Tom Freeman, who always opposes me in whatever I advance, says he has forfeited his Pardon, and may legally be hang'd. His Reasons are to this Purpose: He says there was an Act of Parliament made in the 10th Year of *Edward the Third*, which enacts that every Person, who receives a Pardon for any Capital Crime, shall give Security for his good Behaviour during Life; and that if he either neglects to give such Security, or breaks the Peace after he has given it, his Pardon shall be void. This Act I have looked into, and find it so; 'tis in *Rastal's Statutes. Tit. Pardon*.

He says farther, that this Statute had such an Effect upon the Law, as to render every Pardon for a Capital Offence conditional, *ita quod se bene gesserit versus cunctum populum*, &c. and produces several Precedents of Persons who were hang'd after Pardons for trifling Offences, particularly two in *Queen Elizabeth's* Reign; and he cites *Moore's Reports*, 466, where it appears that one *Whidden* and one *Cole* suffer'd by Virtue of this Construction, the last of them for so small a Misdemeanor as common Battery. He concludes our Friend *Gambol's* Crimes to be of a higher Nature, and therefore the Forfeiture more justly incurred; and says, with an Air of Triumph, that he knows of no Statute or Law in Being, which raises the Prerogative in our Times higher than it was in *Queen Elizabeth's*, or that can so strengthen the Acts of the Crown, as to render them predominant over the Letter of the Law.

Now, Sir, you know I can't argue for the Validity of the Acts of the Crown, because you are of Opinion, as I gather from your

Papers, that none of its Acts can, or ought to be good in any Case. But what will become of poor *Harry*, if such Reasoning should take Effect? He was pardon'd by the Crown for Crimes against the State. I wish you had never published *Oldcastle's* Minutes; every Word of them has a Tendency to prove that their Author should be hang'd. I am confounded when *Tom Freeman* argues for the Justice of such a Revocation of Pardons, from general Principles, and talks of Benefits, Ingratitude, and the like; but above all Measure, shocked when he talks from the Custom of other Countries, or from the Civil Law, and quotes *Justinian* upon me, which he has so often done, that I have got by Heart the following Words, *Sciendum est tamen quod etsi plenissima sint Donationes, si tamen ingrati existant Homines, in quos Beneficium collatum est; Donatoribus per nostram Constitutionem Licentiam praestitimus certis ex Causis eas revocare: ne illi qui suas Res in alios contulerint, ab his quondam patiantur Injuriam, vel Jacturam*. These Words he cites, to shew the Crown's Right of refusing the Fortune which was allowed poor *Harry* to possess by his Pardon, and which, by the Law of the Land, he says ought to be found in the Exchequer.

Dear Sir, for God's sake help me out of these Difficulties; furnish me with some Arguments, either in Law or Reason, either from your self or your Friend, that may puzzle at least, if not convince, my troublesome Antagonist; and you shall find your Hints and Observations not more frequently used and improved by your Friends at *Westminster*, than by your Admirers in our Club, especially by

Your most sincere humble Servant,

TIM. DASH.

Middle Temple, May 6. 1731.

Yesterday arrived the Mail due from Holland.

Sallee, in Barbary, April 1. N. S.

WE have Advice, that King Muley Abdallah designs to break up from Miquenez in 10 or 12 Days, and to march with his Army to Morocco, the City of Fez having submitted to him, and the Governor being come to Miquenez with great Part of the Arabs, to recognize him for their King. We have since received Plenty of Provisions here, the People of the 2 Provinces formerly mentioned, having taken off their Prohibition for exporting them.

Moscow, April 19 N. S. This Court has received with a great deal of Satisfaction, the News of the Accommodation concluded at Vienna between the Emperor and the King of Great Britain. Count Wratislaw continues very much indisposed, and longs to be recalled. His Excellency having notified to the Czarina the Death of the Duke of Brunswick-Wolfenbützel, her Czarian Majesty has ordered the Court to go into Mourning for six Weeks. Four Deputies of the Cossacks under the Czarina's Protection are arrived here, with their ordinary Tribute. The Turkish Ambassador has made the strongest Protestations to this Court, of the Grand Seignior's Resolution to maintain inviolably the Treaties concluded between the Two Empires.

Copenhagen, May 3. N. S. The King has made an Order concerning the Ceremonies of his Coronation, and the different Offices of the principal Ministers; but it is not to be published till the 15th Instant. The Gold Medals struck upon that Occasion, amount to 30,000 Rixdollars. There will likewise be a great Number of Silver ones, to be distributed among the Burghers of this City as usual. On the 2d Instant, the Princess Louise, a new Man of War of 60 Guns, was launched in their Majesties Presence. The King has ordered M. Gram, Great Huntsman, to pick out 12 of his finest Horses, and the like Number of Hounds, to be sent as a Present to the Most Christian King. The Count de Dehn, formerly a Favourite Minister of the late Duke of Brunswick-Wolfenbützel, is arrived here.

Vienna, May 2. N. S. On the 28th past, the Aulick Council of War sent Orders to several Regiments in Italy to hold themselves in a Readiness to march to Hungary. The Field Marshal Count. Merzi is shortly expected here from Milan. The Count de Harrach, Viceroy of Naples is continued for 3 Years longer in that Office; so that the Report which has been spread, that he was to be relieved by Count Kinski, his Imperial Majesty's Ambassador at the Court of France, was without Foundation. Count Wratislaw, our Ambassador at the Court of Moscow, has obtained Leave to return home; and M. de Hochholzer, the Emperor's Resident at Moscow, will be charged with the Affairs of the Imperial Court, in Conjunction with M. Carme, Secretary of the Embassy, till the Arrival of the Count de Waldstein, Master of the Horse to the Electoral Princess of Saxony, who has been nominated to succeed Count Wratislaw. Don Manuel, Infante of Portugal, is coming to reside in one of the Suburbs of this City, having hired a Palace there for that purpose. Prince Eugene of Savoy is gone to one of his Country-Seats a little way out of Town, purposing to stay there till the Court returns from Luxemburg, where Conferences are frequently held upon the Affairs of the present Juncture, at which the Emperor hardly ever fails of being present. Yesterday arrived here Part of the new Nuncio Passionei's Domesticks and Baggage. We have received a farther Confirmation of the new Revolution at Constantinople; but the Circumstances are very differently related. 'Tis said the Grand Seignior was not retired to Adrianople, but to a Place nearer to Constantinople, where he design'd to tarry till the Insurrection of the Mobb and the Janizaries was quelled. The Turkish Ambassador is this Day expected at Raab, and may reach Vienna about the 9th; tho' many People imagine he will proceed no farther than Raab, till the Return of the Courier sent to Constantinople, upon Account of the Genoese Minister's Slave: who took Sanctuary at the Turkish Consul's. We see here the following Chronogram upon the Treaty lately concluded here:

gLaia In. oXCeLis Deo, & In terra paX
boMinibV's.

Glory be to God on high, and in Earth Peace
to Men.

Seville, April 20. N. S. It was Yesterday, and not before, that Mr. Keene, Minister of the King of Great Britain, received an Express from London, with the Treaty concluded at Vienna the 16th past, of which the Court had not till then any direct Communication.



munication. Several Conferences have been since held upon that Subject, between the Spanish Ministers and those of the Foreign Powers. Cardinal Aldobrandini having taken Leave of their Majesties and the Royal Family, he set out two Days ago on his Return to Rome. Our last Advices from the Camp of St. Roch, near Gibraltar, import, that the Workmen employed in building the Forts there, were hurried on without regard to Wind or Weather; and that the principal Fort was actually finished.

Paris, May 8. N. S. A Courier is arrived here from Seville, with the agreeable News, that the King of Spain sign'd an Order, the 24th inst, for delivering the Treasure brought by the Florella, upon an Indulto (as we are inform'd) of 5 per Cent. Our ordinary Letters from Seville, of the 20th inst, import, that the Day before, Mr. Keene received by an Express from London, a Copy of the Treaty sign'd at Vienna the 16th of March; and that he immediately communicated it to Don Joseph Parinho, to know the King of Spain's Sentiments of it. 'Tis said the Court has since received Advice, by a Courier from the Count de Rottemburg, that his Catholic Majesty shewed an Intention not to accede to the said Treaty but in Concert with the most Christian King.

Falmouth, May 3. Came in the Penryn, of and for Penzance, Edgcomb, from St. Sebastian's; the Anne, of and for this Place, Gibbons, from the Streights; the Winchester Merchant, of and for London, Newel, from Faro; the Elizabeth and Martha, of and for London, Seawell, from the Canaries; and a Snow now in the Road, whose Name is not yet known, for the West Indies. Wind S.

Dartmouth, May 4. Yesterday came in here the Dorothy, of this Place, Teague, from Guernsey, in Ballast. Sailed the Algarvis, of London, Olding, from Faro, for Holland; and the Delight —, of this Place, Hooper, for London. This Day sailed the King George, of and for Dover, Hitchen, from Oporto. The Merry-man, of London, Thompson, from Lisbon, remains still here.

Cover, May 5. On the 3d sailed the George and William, Finney, from Waterford, for Camphire; the Peter, Beatson, from Seville, for Breme; and the Peggy, Weston, from Carolina, for Amsterdam. Wind E. S. E.

Plymouth, May 4. Since my last came in the John and Henry, of Topham, for Hull, Stafford, from Alicant; the Jane and Peter, of and for Plymouth, Delander, from St. Sebastian's; the Samuel, of Yarmouth, for Rotterdam, Clifton, from Cete; the William and Mary, of Port Isaac, for Dunkirk, Billing, from Padstow; also a Dutch Man of War.

Weymouth, May 5. This Morning pass'd by Portland Road, the Elizabeth, of and for Bridgewater, Wade, from Norway. Came to an Anchor in Portland Road, the James Goodwill, of and for London, —, from South Carolina.

Pool, May 5. This Day arrived here the Jolliffe's Adventure, Jolliffe, and the Sudbury, Mackenzie, both from South Carolina.

Deal, May 6. No Ship in the Downs. This Day arrived, and sailed for the River, the Restoration, Majeram, from Bristol. Wind S. W.

Gravesend, May 6. Arrived the Katherine, Robinson, from Rotterdam.

LONDON.

Yesterday his Majesty went to the House of Peers with the usual State, and gave the Royal Assent to the following Bills, viz. the

LONDON, Printed, and sold by *J. Roberts in Warwick-Lane.* Where Advertisements are taken in.

Lottery Bill, English Law, Coal, and Starch Bills, and to that for Naturalizing Foreign Protestants, Penny-Post Office, Ferry Boats, Gunpowder, stealing of Lead, British Sail Cloth, Bristol Road Bill, and to 13 other publick, and 20 private Bills. Afterwards his Majesty, in a most Gracious Speech to both Houses of Parliament, put an End to this Session, and prorogued them to the 27th of July next.

On Tuesday last one of his Majesty's Messengers arrived at the Lord Harrington's Office, with some Dispatches from the Court of Vienna; by which we hear, that the Ratifications of the Preliminary Articles between their Imperial and Britannick Majesties were exchanged to the mutual Satisfaction of both Courts.

Yesterday an Order passed his Majesty's Board of Works, for rebuilding the Royal Stables at St. James's, which will be begun soon after the Court's Departure to Hampton Court.

A Detachment of his Majesty's Life Guard is appointed to attend his Majesty at Richmond, during the residing of the Court at that Place; and on their Removal to Hampton Court, a Battalion of each Regiment of the Foot Guards are to relieve by Turns.

Her Grace the Junior Dutchess of Marlborough has been pleased to order an handsome Sum of Money to be distributed between those Persons that were assisting in extinguishing the Fire at her House on Thursday last.

On Thursday Night the Constables being on a private Search, took several notorious Night Walkers in an about Drury-lane and Covent Garden; and Yesterday Morning they were examined before Sir John Gonson, and about nine more of his Majesty's Justices of the Peace at the Vestry Room at St. Paul, Covent Garden; several were discharged, and three of the most notorious of them were committed to Torchill Fields Bridewell, to be kept to hard Labour.

We hear that the Hon. George Westby, Esq. will be appointed one of the Commissioners of his Majesty's Customs, in the room of William Brent, Esq. deceased.

Sir George Markham, Bart. is much indisposed at his House in Duke's-street, Westminster.

We hear that on Thursday next the Report of the Malefactors condemned at the last Sessions at the Old Baily, will be made to his Majesty in Council, by Mr. Baron Thompson.

This Day, if the Weather permits, their Majesties intend to take the Air at Richmond, and return to St. James's in the Evening.

DUBLIN, May 1.

Last Thursday came on at a Court of Oyer and Terminer, held at the King's-Bench, the Tryal of Mr. Joseph Tunnadine of Trinity College, on an Indictment for killing Thomas Haughton, a Watchman in a Fray, that happened on the 16th of March last, between several young Gentlemen and the Watch; when after a full hearing of the Witnesses, he was honourably acquitted.

Yesterday at a General Assembly held at the Thollet of this City, Mr. Joseph Nuttall Banker was elected Lord Mayor, Mr. George Tucker Merchant, and Mr. Edward Dudgeon Brewer; Sheriffs, for the Year ensuing.

On Wednesday last Mr. David Bindon, late of Limerick, Merchant, was presented with his Freedom of this City, and the Guild alias Merchants, in a Gold Box of 20 Guineas Value.

Yesterday Mr. Manger, a Miller living near Donnebrook, was set upon on that Road

by 3 Foot Pads, who bound and robbed him of 3 l. 15 s. and a Suit of Cloaths he had on.

Yesterday South Sea Stock was 103 1 8th. 103. 103 1 4th. 103 to 1 8th. South Sea Ann. 106 3 4ths to 7 8ths. South Sea Bonds 5 l. 16 s. 4 Bank 146 3 4ths. Bank Circulation 7 l. 10 s. Million Bank 110. India 196 3 4ths. 197 1 4th. 196 1 4th. India Bonds 5 l. 19 s. Royal Assurance 99 1 4th. London Assurance 12 5 8ths. African 31 1 half to 52. York Buildings 24 3 4ths. Three per Cent. Ann. 96 1 half. English Copper 3 l. Welch Copper 2 l. 11 s. Lottery Tickets 6 s. 6 d.

May 8, 1731.

THE Governor and Court of Assistants of the Governor and Company for Smelting down Lead with Pit Coal and Sea Coal, do hereby give Notice, That a General Court of the said Company will be held at their House in Ingram-Court in Fenchurch Street, on Thursday the 20th Instant, at Ten of the Clock in the Forenoon precisely, on Special Affairs.

Notice is hereby given,

THAT the Governor and Company of the Bank of England will buy and sell Foreign Gold and Silver at the current Price of the Market; and for the Ease and Encouragement of Merchants and others, due Care will be taken of the Bills of Lading left with them; and the Freight paid the Captains.

AT the KING's THEATRE in the Hay-market, this present Saturday, being the 8th of May, will be Revived an Opera, call'd,

RODELINDA.

Pit and Boxes to be put together, and no Persons to be admitted without Tickets, which will be deliver'd this Day, at the Office in the Hay-market, at Half a Guinea each.

GALLERY &c.

N. B. By His MAJESTY's Command, No Persons whatever can be admitted behind the Scenes.

In a few Days will be publish'd,

The THIRD EDITION of,

Mr. JACOB's Statute-Law Common-plac'd; or, a General TABLE to the Statutes: Very useful to Counsellors, Attornies, Solicitors, Justices of the Peace, Mayors, Sheriffs, &c.

Printed for BERNARD LINTOT:

And sold by HENRY LINTOT, at the Cross-Keys between the Temple-Gates.

Next Week will be publish'd,

The PRESENT STATE of the Cape of GOOD HOPE. Vol. II. Containing the Natural History of the Cape; or, a particular Description of all Sorts of Animals and Vegetables in that Neighbourhood; as of Beasts, Birds, Insects, Sea and River-Fish, Trees, Shrubs, Plants, Herbs, Roots and Flowers. Likewise an Account of the Mineral Productions, and of the Sea, Rivers, and Spring-Waters there. Together with some Observations on the Cape-Winds and Air. To which is prefix'd, a Topographical Account of the Colonies there; as of their Extent, Rivers, Springs, Mountains, Roads, Places of Note, &c. Written originally in High German, by PETER KOLBEN, A. M. Done into English, from the Original, by Mr. MEDLEY. Illustrated with Copper-Plates.

Printed for W. Innys, at the West End of St. Paul's. Where may be had,

The First Volume; concerning the History of the several Nations of the HOTTENTOTS.

the
ign
ar-
er-
the
gha

ay-
8.b

sons
de-
rket,

nd,
d the

non-
tutes:
ctors,

Cross-

f the
aining
ticular
tables
ds, in-
Plants
Account
River,
ch four
ur. To
e of the
Springs
Written
KOL-
the On-
ith Cop-

d of St-
ry of the
T.S.

quod
to
in.